

1 James P. Wagoner, # 058553  
 2 Jim.wagoner@mccormickbarstow.com  
 3 Jack S. Fischer, # 171703  
Jack.fisher@mccormickbarstow.com  
 4 McCormick, Barstow, Sheppard,  
 Wayte & Carruth LLP  
 P.O. Box 28912  
 5 5 River Park Place East  
 Fresno, CA 93720-1501  
 Telephone: (559) 433-1300  
 6 Facsimile: (559) 433-2300

(SPACE BELOW FOR FILING STAMP ONLY)

7 Paul R. Fine, #053514  
 8 Daniels, Fine, Israel,  
 Schonbuch & Lebovits LLP  
 1801 Century Park East  
 9 Ninth Floor  
 Los Angeles, CA 90067  
 10 Telephone: (310) 556-7900  
 Facsimile: (310) 556-2807

11 Attorneys for Defendant  
 12 USAA CASUALTY INSURANCE COMPANY

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16  
 17 PETER A. RICHARDSON, and individual,  
 18 Plaintiff,  
 19 v.  
 20 USAA CASUALTY INSURANCE  
 21 COMPANY, an insurance company form  
 of business unknown, and DOES 1-5,  
 22 Defendant.

CASE NO. C 08-00302 SI

**STIPULATION AND PROPOSED ORDER  
 FOR DISMISSAL OF DEFENDANT USAA  
 CASUALTY INSURANCE COMPANY**

[pursuant to FRCP 41(A)(1)(ii)]

23  
 24 IT IS HEREBY STIPULATED by and between plaintiff PETER A. RICHARDSON, by  
 25 and through his attorney of record, Jeffrey F. Ryan, and defendant, USAA CASUALTY  
 26 INSURANCE COMPANY (“USAA”), by and through its attorney of record, Paul R. Fine, that  
 27 this entire action against USAA shall be dismissed with prejudice pursuant to the provisions of  
 28 FRCP 41(a)(1)(ii). Plaintiff and defendant also agree, by and through their respective attorneys

---

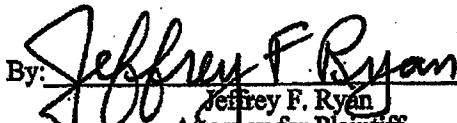
STIPULATION AND PROPOSED ORDER FOR DISMISSAL OF DEFENDANT  
 USAA CASUALTY INSURANCE COMPANY, CASE NO. C 08-00302 SI

1 of record, that each party will bear its own costs and fees in this matter.

2 Dated: February 12, 2008

RYAN & STEINER

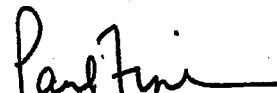
3 By:

4   
5 Jeffrey F. Ryan  
6 Attorney for Plaintiff  
7 PETER A. RICHARDSON

8 Dated: February 13, 2008

9 DANIELS, FINE, ISRAEL,  
10 SCHONBUCH & LEOVITS LLP

11 By:

12   
13 Paul R. Fine  
14 Attorney for Defendant  
15 USAA CASUALTY INSURANCE  
16 COMPANY

**PROPOSED ORDER**

17 PURSUANT TO STIPULATION, IT IS SO ORDERED that defendant, USAA, is  
18 dismissed from this action with prejudice, each party to bear its own costs and fees.

19 Dated: February       , 2008

20   
21 Judge Susan Illston  
22 United States District Court  
23 Northern District of California

24 1187913.v1